

Notice of Allowability

Application No.

09/729,886

Examiner

Brenda Pham

Applicant(s)

DULIN ET AL.

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/04/2004.
2. ☒ The allowed claim(s) is/are 1-38.
3. ☒ The drawings filed on 12/04/2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date August 12, 2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

REASONS FOR ALLOWANCE

1. Claims 1-38 allowed.
2. The following is an examiner's statement of reasons for allowance:

The prior art made of record does not teach or fairly suggests in combination an apparatus and method for transmitting sub-protocol data units from a plurality of base transceiver stations to a subscriber unit. The method includes estimating time delays required for transferring the sub-protocol data units between a scheduler unit and each of the base transceiver stations. The method further includes the scheduler unit generating a scheduler unit generating a schedule of time slots and frequency blocks in which the sub-protocol data units are to be transmitted from the base transceiver stations to the subscriber unit. The time delays are used to generate the schedule. The time delays can be used to generate a look ahead schedule that compensates for the timing delays of the sub-protocol data units from the scheduler unit to the base transceiver stations. The sub-protocol data units are wirelessly transmitted from the base transceiver stations to the subscriber unit according to the schedule. The time delays can be estimated by time-stamping sub-protocol data units before sub-protocol data units are transferred from the scheduler unit to the base transceiver stations, and estimating the time delays by comparing the times the sub-protocol data units are actually received by the base transceiver stations with the time-stamping.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. The prior art made of record and not relied upon is considered pertinent to application's disclosure.

(US 5,923,650) Chen et al disclose in a communication system capable of variable rate transmission, multi-level scheduling improves utilization of the reverse link and decrease the transmission delay in data communication.

(US 5,752,193) Scholefield et al disclose a system capable of allocating plural sub-channels based on user data priority. After receiving a system parameters such as a current priority level from a base station, a subscriber determines whether to send an access request for plural subchannels. Upon receipt of the access request(s), the system determines from the access request(s) whether to allocate the subchannel(s) to the subscriber.

(US 5,936,949) Pasternak et al disclose a system uses time division multiplex for downstream transmission and time division multiple access for upstream transmission. The downstream transmission consists of ATM cells encapsulated in MAC protocol data units (PDUs) for forward error correction and synchronization.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (703) 308-0148. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached at (703) 305-4366.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Brenda Pham

August 13, 2004



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